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2 COUNT 2

3 On or about September 1, 2006 through November 29, 2006, in the above  
4 named judicial district, the crime of SOLICITING OR ACCEPTING A BRIBE, in  
5 violation of PENAL CODE SECTION 165, a felony, was committed by Paul Antione  
6 Biane, who did unlawfully, being a member of , receive, offer, and agree to receive a  
7 bribe upon an understanding that his/her official vote, opinion, judgment, and action  
8 would be influenced thereby and given in a particular manner, and upon a particular  
9 side of a question and matter upon which he/she might be required to act in his/her  
10 official capacity.

11 \*\*\*\*\*

12 COUNT 3

13 On or about September 1, 2006 through November 29, 2006, in the above  
14 named judicial district, the crime of ACCEPTING A BRIBE, in violation of PENAL  
15 CODE SECTION 68, a felony, was committed by Mark Allen Kirk, who unlawfully and  
16 knowingly asked for, received, and agreed to receive of and from , a bribe, to wit, , for  
17 the purpose of influencing the action of said defendant and upon an agreement and  
18 understanding that the action of said defendant upon a matter then pending before the  
19 said defendant in his official capacity, to wit, , should be influenced thereby, said  
20 defendant being then and there a Ministerial Officer, employee, and appointee of the  
21 State of California.

22 \*\*\*\*\*

23 COUNT 4

24 On or about September 1, 2006 through November 29, 2006, in the above  
25 named judicial district, the crime of BRIBERY, in violation of PENAL CODE SECTION  
26 165, a felony, was committed by James Howard Erwin and Jeffrey Scott Burum, who  
27 did unlawfully give and offer a bribe to , a member of the , with intent to corruptly  
28 influence said member in his/her action on a matter and subject pending before and

1 which was afterward to be considered by said body of which he/she was a member.

2 \*\*\*\*\*

3 COUNT 5

4 On or about September 1, 2006 through November 29, 2006, in the above  
5 named judicial district, the crime of BRIBERY, in violation of PENAL CODE SECTION  
6 165, a felony, was committed by James Howard Erwin and Jeffrey Scott Burum, who  
7 did unlawfully give and offer a bribe to , a member of the , with intent to corruptly  
8 influence said member in his/her action on a matter and subject pending before and  
9 which was afterward to be considered by said body of which he/she was a member.

10 \*\*\*\*\*

11 COUNT 6

12 On or about September 1, 2006 through November 29, 2006, in the above  
13 named judicial district, the crime of ASKING FOR/RECEIVING A BRIBE, in violation of  
14 PENAL CODE SECTION 86, a felony, was committed by Paul Antione Biane, who  
15 being a Member of a house of the legislature and a member of the legislative body of a  
16 city, county, city and county, a school district, and other special district did ask,  
17 receive, and agree to receive a bribe upon an understanding that his and her official  
18 vote, opinion, judgment, and action should be influenced thereby, and gave in a  
19 particular matter and upon a particular side of a question and matter upon which he  
20 and she was required to act in his and her official capacity, and gave and offered and  
21 promised to give an official vote in consideration that another Member of the  
22 Legislature and another member of the legislative body of a city, county, city and  
23 county, school district, and other special district should give this vote on the same and  
24 another question.

25 \*\*\*\*\*

26 COUNT 7

27 On or about September 1, 2006 through November 29, 2006, in the above  
28 named judicial district, the crime of ASKING FOR/RECEIVING A BRIBE, in violation of

1 PENAL CODE SECTION 86, a felony, was committed by James Howard Erwin and  
2 Jeffrey Scott Burum, who being a Member of a house of the legislature and a member  
3 of the legislative body of a city, county, city and county, a school district, and other  
4 special district did ask, receive, and agree to receive a bribe upon an understanding  
5 that his and her official vote, opinion, judgment, and action should be influenced  
6 thereby, and gave in a particular matter and upon a particular side of a question and  
7 matter upon which he and she was required to act in his and her official capacity, and  
8 gave and offered and promised to give an official vote in consideration that another  
9 Member of the Legislature and another member of the legislative body of a city,  
10 county, city and county, school district, and other special district should give this vote  
11 on the same and another question.

12 \*\*\*\*\*

13 COUNT 8

14 On or about September 1, 2006 through November 29, 2006, in the above  
15 named judicial district, the crime of ASKING FOR/RECEIVING A BRIBE, in violation of  
16 PENAL CODE SECTION 86, a felony, was committed by James Howard Erwin and  
17 Jeffrey Scott Burum, who being a Member of a house of the legislature and a member  
18 of the legislative body of a city, county, city and county, a school district, and other  
19 special district did ask, receive, and agree to receive a bribe upon an understanding  
20 that his and her official vote, opinion, judgment, and action should be influenced  
21 thereby, and gave in a particular matter and upon a particular side of a question and  
22 matter upon which he and she was required to act in his and her official capacity, and  
23 gave and offered and promised to give an official vote in consideration that another  
24 Member of the Legislature and another member of the legislative body of a city,  
25 county, city and county, school district, and other special district should give this vote  
26 on the same and another question.

27 \*\*\*\*\*

28 COUNT 9

1 On or about September 1, 2006 through November 29, 2006, in the above  
2 named judicial district, the crime of XXXXXXXXXXXXXXXXXXXXXXXX, in violation of  
3 GOVERNMENT CODE SECTION 9054, a felony, was committed by Mark Allen Kirk,  
4 who

5 XX  
6 XX  
7 XX  
8 XX  
9 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

10 \*\*\*\*\*

11 COUNT 10

12 On or about November 28, 2006, in the above named judicial district, the crime  
13 of CONFLICT OF INTEREST, in violation of GOVERNMENT CODE SECTION 1090, a  
14 felony, was committed by Paul Antione Biane and Mark Allen Kirk, who did, while ,  
15 become financially interested in a contract made by him in his official capacity, and by  
16 a body and board of which the defendant was a member.

17 \*\*\*\*\*

18 COUNT 11

19 On or about November 28, 2006, in the above named judicial district, the crime  
20 of CONFLICT OF INTEREST, in violation of GOVERNMENT CODE SECTION 1090, a  
21 felony, was committed by James Howard Erwin and Jeffrey Scott Burum, who did,  
22 while , become financially interested in a contract made by him in his official capacity,  
23 and by a body and board of which the defendant was a member.

24 \*\*\*\*\*

25 COUNT 12

26 On or about November 28, 2006, in the above named judicial district, the crime  
27 of PUBLIC OFFICER CRIME, in violation of PENAL CODE SECTION 424, a felony,  
28 was committed by Paul Antione Biane, who being a person described in Penal Code

1 section 424 charged with the receipt, safekeeping, transfer, and distribution of public  
2 moneys, did in a manner not incidental and minimal without authority of law,  
3 appropriate the same, and a portion thereof, to personal use and the use of another.

4 \*\*\*\*\*

5 COUNT 13

6 On or about November 28, 2006, in the above named judicial district, the crime  
7 of PUBLIC OFFICER CRIME, in violation of PENAL CODE SECTION 424, a felony,  
8 was committed by James Howard Erwin, Jeffrey Scott Burum and Mark Allen Kirk,  
9 who being a person described in Penal Code section 424 charged with the receipt,  
10 safekeeping, transfer, and distribution of public moneys, did in a manner not incidental  
11 and minimal without authority of law, appropriate the same, and a portion thereof, to  
12 personal use and the use of another.

13 \*\*\*\*\*

14 COUNT 14

15 On or about September 15, 2088, in the above named judicial district, the crime  
16 of FORGERY, in violation of PENAL CODE SECTION 470(a), a felony, was committed  
17 by James Howard Erwin, who did, with the intent to defraud, and knowingly without  
18 authority to do so, sign the name of another person and of a fictitious person, to wit .

19 \*\*\*\*\*

20 COUNT 15

21 On or about September 7, 2008, in the above named judicial district, the crime  
22 of FILING FALSE TAX RETURN, in violation of REVENUE AND TAXATION CODE  
23 SECTION 19705(a), a felony, was committed by Paul Antione Biane, who did  
24 unlawfully .

25 \*\*\*\*\*

26 COUNT 16

27 On or about February 2, 2008, in the above named judicial district, the crime of  
28 FILED FALSE INCOME TAX RETURN, in violation of REVENUE AND TAXATION

1 CODE SECTION 19706, a felony, was committed by Mark Allen Kirk, who did willfully  
2 and unlawfully .

3 \*\*\*\*\*

4 COUNT 17

5 On or about April 15, 2009, in the above named judicial district, the crime of  
6 FAILURE TO FILE INCOME TAX RETURN, in violation of REVENUE AND TAXATION  
7 CODE SECTION 19706, a felony, was committed by James Howard Erwin, who did  
8 willfully and unlawfully .

9 \*\*\*\*\*

10 COUNT 18

11 On or about April 8, 2008, in the above named judicial district, the crime of  
12 FILED FALSE INCOME TAX RETURN, in violation of REVENUE AND TAXATION  
13 CODE SECTION 19706, a felony, was committed by James Howard Erwin, who did  
14 willfully and unlawfully .

15 \*\*\*\*\*

16 COUNT 19

17 On or about March 25, 2008, in the above named judicial district, the crime of  
18 PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118, a felony,  
19 was committed by Paul Antione Biane, who did unlawfully, under penalty of perjury,  
20 declare as true, that which was known to be false, to wit, .

21 \*\*\*\*\*

22 COUNT 20

23 On or about April 1, 2008, in the above named judicial district, the crime of  
24 PROCURING AND OFFERING FALSE OR FORGED INSTRUMENT, in violation of  
25 PENAL CODE SECTION 115(a), a felony, was committed by Paul Antione Biane, who  
26 did unlawfully and knowingly procure and offer a false and forged instrument to be  
27 filed, registered, and recorded in a public office within this state, which instrument, if  
28 genuine, might be filed, registered, and recorded under a law of this state or the United

1 States.

2 \*\*\*\*\*

3 COUNT 21

4 On or about March 28, 2008, in the above named judicial district, the crime of  
5 PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118, a felony,  
6 was committed by Mark Allen Kirk, who did unlawfully, under penalty of perjury,  
7 declare as true, that which was known to be false, to wit, .

8 \*\*\*\*\*

9 COUNT 22

10 On or about March 31, 2008, in the above named judicial district, the crime of  
11 PROCURING AND OFFERING FALSE OR FORGED INSTRUMENT, in violation of  
12 PENAL CODE SECTION 115(a), a felony, was committed by Mark Allen Kirk, who did  
13 unlawfully and knowingly procure and offer a false and forged instrument to be filed,  
14 registered, and recorded in a public office within this state, which instrument, if  
15 genuine, might be filed, registered, and recorded under a law of this state or the United  
16 States.

17 \*\*\*\*\*

18 COUNT 23

19 On or about April 1, 2008, in the above named judicial district, the crime of  
20 PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118, a felony,  
21 was committed by James Howard Erwin, who did unlawfully, under penalty of perjury,  
22 declare as true, that which was known to be false, to wit, .

23 \*\*\*\*\*

24 COUNT 24

25 On or about April 1, 2008, in the above named judicial district, the crime of  
26 PROCURING AND OFFERING FALSE OR FORGED INSTRUMENT, in violation of  
27 PENAL CODE SECTION 115(a), a felony, was committed by James Howard Erwin,  
28 who did unlawfully and knowingly procure and offer a false and forged instrument to be



1 filed, registered, and recorded in a public office within this state, which instrument, if  
2 genuine, might be filed, registered, and recorded under a law of this state or the United  
3 States.

4 \*\*\*\*\*

5 COUNT 25

6 On or about April 1, 2008, in the above named judicial district, the crime of  
7 PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118, a felony,  
8 was committed by James Howard Erwin, who did unlawfully, under penalty of perjury,  
9 declare as true, that which was known to be false, to wit, .

10 \*\*\*\*\*

11 COUNT 26

12 On or about February 4, 2009, in the above named judicial district, the crime of  
13 PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118, a felony,  
14 was committed by James Howard Erwin, who did unlawfully, under penalty of perjury,  
15 declare as true, that which was known to be false, to wit, .

16 \*\*\*\*\*

17 COUNT 27

18 On or about February 12, 2009, in the above named judicial district, the crime of  
19 PROCURING AND OFFERING FALSE OR FORGED INSTRUMENT, in violation of  
20 PENAL CODE SECTION 115(a), a felony, was committed by James Howard Erwin,  
21 who did unlawfully and knowingly procure and offer a false and forged instrument to be  
22 filed, registered, and recorded in a public office within this state, which instrument, if  
23 genuine, might be filed, registered, and recorded under a law of this state or the United  
24 States.

25 \*\*\*\*\*

26 COUNT 28

27 On or about February 13, 2009, in the above named judicial district, the crime of  
28 PERJURY BY DECLARATION, in violation of PENAL CODE SECTION 118, a felony,

1 was committed by James Howard Erwin, who did unlawfully, under penalty of perjury,  
2 declare as true, that which was known to be false, to wit, .

3 \*\*\*\*\*

4 COUNT 29

5 On or about February 17, 2009, in the above named judicial district, the crime of  
6 PROCURING AND OFFERING FALSE OR FORGED INSTRUMENT, in violation of  
7 PENAL CODE SECTION 115(a), a felony, was committed by James Howard Erwin,  
8 who did unlawfully and knowingly procure and offer a false and forged instrument to be  
9 filed, registered, and recorded in a public office within this state, which instrument, if  
10 genuine, might be filed, registered, and recorded under a law of this state or the United  
11 States.

12 \*\*\*\*\*

13  
14  
15 Pursuant to Penal Code section 1054.5(b), the People are hereby informally  
16 requesting that defense counsel provide discovery to the People as required by Penal  
17 Code section 1054.3.

18 A TRUE BILL

19  
20  
21 \_\_\_\_\_  
FOREPERSON

1 Names of witnesses examined before the Grand Jury on finding the foregoing  
2 indictment:

3 **Witness Name** **Agency**

4 1.

5 2.

6 3.

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9 Grand Jury Advisor: **CLARK HANSEN, JR**  
Deputy District Attorney

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11 Deputy District Attorney Presenting Indictment: **Lewis Cope**

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